

Congress of the United States
Washington, DC 20515

October 2, 2019

Ms. Loren Sweatt
Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety & Health Administration
United States Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Dear Ms. Sweatt,

Americans in every community have been affected by our country's ongoing opioid epidemic. In 2017, more than 70,000 people died due to drug overdoses, and nearly 68 percent involved opioids.¹ This public health crisis necessitates a robust and sustained all-government response on the local, state and federal levels, including from the Occupational Safety and Health Administration (OSHA). We write to seek greater clarity on OSHA's work to address the epidemic's impacts on American workers, especially those in the service industry.

Service workers have been on the frontlines of confronting the opioid crisis. As the *Atlantic* reported last year, "they're the unwitting first line of medical responders."² This is due in part to the frequency with which Americans utilize public restrooms – such as those in fast food restaurants – to use opioids. In 2017, New York University's Center for Drug Use and HIV Research found that, in New York City, "almost 60 percent of business managers encounter drug use in their public bathrooms. But 90 percent had no training in responding to overdoses or administering naloxone."³

This alarming trend can exacerbate the risks faced by those with opioid use disorders. In an isolated setting, like a locked restroom, it may be difficult or impossible to locate and revive someone who has overdosed in time to save their life. In 2017, for example, an Illinois woman died after using heroin laced with fentanyl in a White Castle restroom.⁴ She was found by a maintenance worker.⁵ Moreover, reports indicate that worker safety has been jeopardized due to opioid use in restrooms. Last year, for example, two Starbucks employees at a single location in

¹ "Opioids Portal." Centers for Disease Control and Prevention. <https://www.cdc.gov/opioids/index.html>.

² Fadulu, Lola. "Is Your Local Coffee Shop a Low-Key Opioid Clinic?" *The Atlantic*. September 21, 2018. <https://www.theatlantic.com/health/archive/2018/09/opioid-crisis-service-workers/570778/>.

³ *Ibid.*

⁴ Keilman, John. "Public bathrooms become clandestine epicenter of opioid crisis." *Chicago Tribune*. May 17, 2018. <https://www.chicagotribune.com/news/ct-met-public-bathrooms-opioid-overdose-20180510-story.html>.

⁵ *Ibid.*

Eugene, Oregon were stuck by discarded needles within one month of one another, putting them at risk for diseases like hepatitis.⁶

Businesses have worked to address this crisis and mitigate risks to Americans who use opioids and to employees. For example, Starbucks has put needle-disposal boxes in its restrooms in several U.S. markets.⁷ But individual efforts like these are not a panacea and can even carry additional consequences. Some businesses, for instance, have installed blue lights in bathrooms to make it harder for people to locate their veins, but reports suggest that this can lead to “a bloodier injection” and heighten the risk of “the spread of infection for both the user and others who come in contact with the injection site.”⁸

We commend American workers for their efforts to navigate this epidemic and save lives. However, we are extremely concerned that this burden has fallen to workers who, understandably, typically lack the specific education necessary to identify and respond effectively to opioid overdoses and mitigate the risks associated with opioid use. Moreover, we are alarmed that workers’ health and safety have been jeopardized. As such, we respectfully request responses to the following questions:

- 1) Have formal or informal complaints been filed with federal or state OSHA programs regarding workers who have encountered unsafe conditions in the workplace related to the opioid crisis? If so, how many complaints have been filed?**
- 2) Have federal or state OSHA programs inspected unsafe conditions in the workplace related to the opioid crisis as a result of referrals or any other cause to inspect a workplace? Please describe.**
- 3) Have federal or state OSHA programs taken any enforcement actions related to these inspections? What OSHA standards or other requirements are relevant where workers are at risk when responding to opioid overdoses in their workplaces? What standards have been used to cite employers where violations have been identified?**
- 4) Incidents like those described above have prompted some business owners to educate themselves and their employees on how to respond to apparent overdoses. One Massachusetts coffee shop owner, for example, having “found several people on the bathroom floor in recent years, not breathing,” began training employees to use naloxone, the overdose reversal drug.⁹**

⁶ Taylor, Kate. “Starbucks is installing needle-disposal boxes in locations across America following OSHA penalties and worker concerns about drug use in bathrooms.” *Business Insider*. April 22, 2019. <https://www.businessinsider.com/starbucks-needle-disposal-boxes-more-locations-2019-4>.

⁷ *Ibid*.

⁸ Bever, Lindsay. “A plan to keep drug users from shooting up in public restrooms — and why it may be a bad idea.” *Washington Post*. June 29, 2018. https://www.washingtonpost.com/news/to-your-health/wp/2018/06/29/the-plan-to-keep-drug-users-from-shooting-up-in-public-restrooms-and-why-it-may-be-a-bad-idea/?utm_term=.1d310d13f468.

⁹ Bebinger, Martha. “Public Restrooms Become Ground Zero In The Opioid Epidemic.” *NPR*. May 8, 2017. <https://www.npr.org/sections/health-shots/2017/05/08/526523520/public-restrooms-become-ground-zero-in-the-opioid-epidemic>.

What resources are available to employers or employees seeking to provide safety training related to the opioid crisis? Do models exist for education and training related to this crisis that state OSHA programs might promote? Please describe.

- 5) How has OSHA worked with the National Institute for Occupational Safety and Health (NIOSH) to incorporate the latest research concerning worker health and safety as it relates to the opioid crisis?**
- 6) Please describe any guidance your office has disseminated, or plans to disseminate, to state OSHA programs related to the opioid crisis and worker safety.**

We look forward to your timely response.

Sincerely,


Andy Levin
Member of Congress
Joe Courtney
Member of Congress